

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOAN L. AUFDERHEIDE,

Plaintiff,

v.

DEPARTMENT OF MENTAL HEALTH,

et al.,

Defendants.

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No. 4:22-CV-1350-MTS

MEMORANDUM AND ORDER

This closed case is before the Court on self-represented plaintiff Joan L. Aufderheide’s notices of appeal and motion for appointment of counsel. Docs. [20], [21], and [22]. For the reasons discussed below, the Court will deny plaintiff’s request for counsel.

“The filing of a notice of appeal ... confers jurisdiction on the court of appeals and divests the district court of[f] its control over those aspects of the case involved in the appeal.” *Liddell v. Bd. of Educ.*, 73 F.3d 819, 822 (8th Cir. 1996) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)). But filing a notice of appeal does not prevent a district court from taking action in furtherance of the appeal or prevent it from hearing motions on collateral matters to those at issue on appeal. *Mahone v. Ray*, 326 F.3d 1176, 1179 (11th Cir. 2003) (citations omitted).

On March 30, 2023, the Court dismissed this action without prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted and for legal frivolity. Docs. [16] and [17]. Because a notice of appeal has been filed, this matter is no longer before the Court. This Court does not appoint appellate counsel. Plaintiff may move for the appointment of counsel in the appellate court. Plaintiff should file any motion for appointment of counsel on appeal

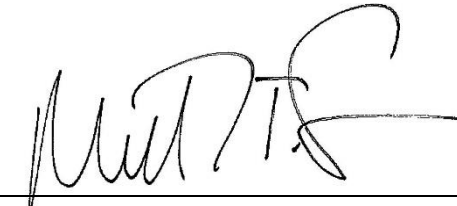
directly with the United States Court of Appeals for the Eighth Circuit. As a result, this District Court will deny the motion for appointment of counsel without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel, Doc. [20] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that plaintiff shall file any future documents or pleadings in connection with her appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 12th day of May, 2023.

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE